

### **REMARKS**

Claims 1-16 and 18 remain pending in the present application. Claim 1 has been amended. Claim 18 is new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1-17 remain rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has amended Claim 1 to define the damping characteristics of the shock absorber at the specified height being based upon the pressure of the fluid in the spring controlled by the control system. Reconsideration of the rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-3, 9 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over De Molina '239 in view of Buma, et al. '554. Claims 4-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over De Molina in view of Buma as applied to Claim 3 above, and further in view of either Heinz, et al. or Patzenhauer, et al. '885. Claim 1 has been amended to define a single valve assembly attached to the shock absorber. The single valve assembly always being in direct communication with the fluid in the spring and the control system.

De Molina '239 discloses a single valve assembly 110 which is not always in direct communication with the fluid in the spring since control valve 46 is located between valve 110 and the spring and low pressure circuit 32 is disposed between valve 110 and the spring during times of traveling over smooth roads. Buma, et al. is relied on to teach distance determining means between the sprung and unsprung portions of the vehicle but it does not teach a single valve assembly attached to the shock absorber which is always in direct fluid communication with the spring as is now defined in amended Claim 1.

Thus, Applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 2-16, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

#### **NEW CLAIMS**

New Claim 18 is a new independent claim which defines a plurality of shock absorbers and a plurality of shock absorbers and a plurality of springs where the plurality of springs are individually controlled by the control system.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By: 

Michael J. Schmidt, 34,007

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MJS/pmg